

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS – FORT WORTH DIVISION**

LABOR SAVING SYSTEMS LTD.

d/b/a Magnepull,

Plaintiff,

v.

HARBOR FREIGHT TOOLS USA, INC.,

DOES 1–79,

Defendants.

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Case No. 4:21-cv-01389-O

**PLAINTIFF’S RESPONSE AND OBJECTION TO THE FINDINGS, CONCLUSIONS,
AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Labor Saving Systems Ltd. d/b/a as Magnepull (“Plaintiff”) objects to the Court’s Findings, Conclusions, and Recommendation of the Magistrate Judge [doc. 11 hereinafter the “FCR”] and requests entry of a revised Temporary Restraining Order (attached herein and referred to as the “Amended Proposed TRO”). This relief is necessary considering Plaintiff’s Notice of Dismissal of Defendant Harbor Freight Tools USA, Inc. (“HFT”) [doc. 12] and Motion to Amend Caption [doc. 13], which is currently before the Court.

Generally, Plaintiff asks that in light of the dismissal of HFT, the Court grant the Amended Proposed TRO attached herein.

Plaintiff noticed that the Court accepted the FCR minutes before filing this response. Plaintiff requests that the Court recognize that this response is timely filed, and consider this response in its restraining order so that the case going forward uses a more accurate style and addresses only the Doe Defendants in its issued order and not any dismissed party.

BACKGROUND

1. On December 31, 2021, Plaintiff filed a Complaint against Defendant Harbor Freight Tools USA, Inc. (“HFT”) and Defendants Does 1–79, seeking economic damages and injunctive relief for infringement of Plaintiff’s patent.
2. The Magistrate Judge filed his FCR [doc. 11] on January 10, 2022, recommending that Plaintiff’s request for injunctive relief against the Doe Defendants be granted, and instructed the parties to file specific written objections within two weeks.
3. On January 21, 2022, Plaintiff dismissed all claims against HFT without prejudice. See Notice of Dismissal [doc. 12].
4. Plaintiff filed a Motion to Amend Caption [doc. 13] on the same day.
5. Based on the foregoing, and because the caption so prominently features HFT, which is no longer a party, Plaintiff requests that the Court grant Plaintiff’s Amended TRO, which uses the proposed caption that removes HFT and demonstrates more clearly that the TRO only applies to the Doe Defendants, so that there can be no misconceptions that this TRO applies to HFT, which is removed from the exhibit attached to the Amended Proposed TRO of Doe Defendants.

PRAYER

Accordingly, Plaintiff requests request that the Court modify its FCR to recommend entry of the attached Further Amended Proposed Order, with the attendant amended list of Doe Defendants as indicated.

Respectfully submitted,

/s/Warren V. Norred, P.E.

Warren V. Norred, P.E.

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Counsel for Plaintiff

CERTIFICATE OF SERVICE - I certify that a copy of the attached document was served informally to Harbor Freight by email on January 24, 2022, to its counsel, Dave Grable <davegrable@quinnemanuel.com> and Eric Huang <erichuang@quinnemanuel.com>.

/s/ Warren V. Norred
Warren V. Norred

CERTIFICATE OF CONFERENCE No defendant has appeared yet in this case, and therefore, pursuant to Local Rule 7.1b, undersigned counsel states that he is unable to meet and confer with the defendants and unable to state whether this motion is opposed.

/s/ Warren V. Norred
Warren V. Norred